

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X		:	
LEONIDES DUVERNY,		:	
	Plaintiff,	:	18cv7652 (DLC)
-v-		:	
		:	<u>ORDER</u>
HERCULES MEDICAL P.C., ACHILLES		:	
MEDICAL P.C., HYPERION MEDICAL P.C.,		:	
and GEOFFREY RICHSTONE, individually,		:	
	Defendants.	:	
-----X		:	

DENISE COTE, District Judge:

Because of the COVID-19 pandemic, there have been no jury trials in this district since March 2020. The Southern District of New York may resume jury trials as early as September 2020. Any jury trial will be conducted in full compliance with the safety procedures implemented in this district. In order to comply with those safety procedures, jury trials will require complex planning and coordination. It is hereby

ORDERED that the parties shall consult and advise the Court by **August 12, 2020** whether, should this case proceed to trial, all parties consent to a bench trial before this Court. Should there be a division of views among the parties, no one shall on any account advise the Court which party or parties has elected to proceed to trial before a jury.

Should the parties decide to proceed to trial before a jury, this Court will advise the Clerk of Court that this case is ready for trial during the period September 2020 to December 2020. The Court will attempt to give the parties as much notice as possible of the date the jury trial will begin. The parties must be prepared to proceed to trial before a jury as soon as a jury can be impaneled in their case.

IT IS FURTHER ORDERED that the parties shall consult and advise the Court by **August 12, 2020** whether all parties consent to have this case proceed to trial before a magistrate judge rather than before this Court. Should the parties elect to proceed before a magistrate judge, they should complete the attached Notice, Consent, and Reference of a Civil Action to a Magistrate Judge and submit it to the Clerk of Court. Should there be a division of views among the parties, no one shall on any account advise the Court which party or parties were willing to proceed to trial before a magistrate judge. If all parties consent to trial before the Magistrate Judge, that trial may be conducted at the parties' election either as a jury trial or a bench trial.


IT IS FURTHER ORDERED that, should the parties elect to proceed to trial before a jury (whether before this Court or a magistrate judge) they must advise the Court by **August 12, 2020** of the following:

- 1) The number of days they need, collectively, for the presentation of evidence; and
- 2) The number of individuals who will be seated at the counsel table, and the names of each of them.

IT IS FURTHER ORDERED that, should the parties consent to a bench trial before this Court, they will consult and advise the Court by **August 12, 2020**, of three Mondays during the period September 2020 to December 2020 when they are prepared to begin that trial. The Court will attempt to accommodate the parties' choice of dates and give them notice by September 8, 2020 of the date of the trial. The Court will also schedule a conference with the parties to discuss how much of the bench trial may proceed remotely.

SO ORDERED:

Dated: New York, New York  
August 5, 2020

  
\_\_\_\_\_  
DENISE COTE  
United States District Judge

## UNITED STATES DISTRICT COURT

for the

\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff*

v.

\_\_\_\_\_  
*Defendant*)  
)  
)  
)  
)

Civil Action No. \_\_\_\_\_

**NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE**

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

*Parties' printed names**Signatures of parties or attorneys**Dates*

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**Reference Order**

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's signature*\_\_\_\_\_  
*Printed name and title*

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.